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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 UNITED STATES OF AMERICA, )  
08 Plaintiff, ) Case No. CR09-66-RSL  
09 v. ) SUMMARY REPORT OF U.S.  
10 AVEL MEDINA, JR., ) MAGISTRATE JUDGE AS TO  
11 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
12

13 An evidentiary hearing on a petition for violation of supervised release was held  
14 before the undersigned Magistrate Judge on March 12, 2010. The United States was  
15 represented by Assistant United States Attorney Catherine Crisham, and the defendant by  
16 Nancy Tenney. The proceedings were digitally recorded.

17 The defendant had been charged and convicted for Possession of Methamphetamine,  
18 in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). On July 31, 2009, defendant was  
19 sentenced by the Honorable Robert S. Lasnik to a term six (6) months in custody to be  
20 followed by one (1) year of supervised release.

21 The conditions of supervised release included the requirements that the defendant  
22 comply with all local, state, and federal laws, and with the standard conditions. Special  
23 conditions imposed included, but were not limited to, participation in substance abuse and  
24 mental health programs, financial disclosure, possess no firearms, cooperate with DNA  
25 collection, submit to a search, participate in a RRC program for up to 120 days, no self-  
26 employment without permission and do not work for cash, and do not enter the Tulalip Indian

Reservation.

In a Petition for Warrant or Summons, dated February 5, 2010, U.S. Probation Officer Monique D. Neal asserted the following violations by defendant of the conditions of his supervised release:

- 1) Using marijuana, on or before December 2, 2009, in violation of standard condition No. 7.
- 2) Failing to successfully participate in a residential reentry center (RRC) program by being terminated from the program for using marijuana, in violation of the special condition stating that the defendant shall successfully participate in a RRC program for up to 120 days or until discharged by the Program Manager or U.S. Probation Officer.
- 3) Using marijuana, on or about December 21, 2009, in violation of standard condition No. 7.
- 4) Using methamphetamine and marijuana on or before January 26, 2010, in violation of standard condition No. 7.
- 5) Failing to report for drug testing as instructed by his U.S. Probation Officer on January 20, January 21, February 3, and February 4, 2010, in violation of the special condition that the defendant participate as instructed in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse which may include testing to determine if the defendant has reverted to the use of drugs.

In a Supplemental Violation Report dated February 24, 2010, U.S. Probation Officer Monique D. Neal asserted the following supplemental violations by defendant of the conditions of his supervised release:

- 6) Committing the crime of Possession of a Methamphetamine (RCW 69.50.4013), on or about February 13, 2010, in violation of the standard

01 condition that the defendant shall not unlawfully possess a controlled  
02 substance.

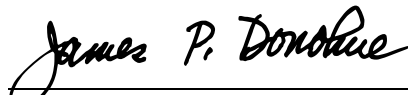
- 03 7) Committing the crime of Possession of a Methamphetamine with Intent to  
04 Deliver (RCW 69.50.401), on or about February 13, 2010, in violation of the  
05 standard condition that the defendant shall not commit another federal, state,  
06 or local crime.

07 On March 9, 2010, defendant made his initial appearance. The defendant was advised  
08 of the allegations and advised of his rights. On March 12, 2010, defendant appeared for an  
09 evidentiary hearing on alleged violations. Defendant admitted to violations 1, 2, 3, 4 and 5  
10 and denied alleged violations 6 and 7 and requested that an evidentiary hearing be set on the  
11 same day as a disposition hearing before the Honorable Robert S. Lasnik on alleged  
12 violations 6 and 7.

13 I therefore recommend that the Court find the defendant to have violated the terms  
14 and conditions of his supervised release as to violations 1, 2, 3, 4 and 5, and that the Court  
15 conduct an evidentiary/disposition hearing on alleged violations 6 and 7. A disposition  
16 hearing on violations 1, 2, 3, 4 and 5 and an evidentiary/disposition hearing on alleged  
17 violations 6 and 7 has been set for March 19, 2010 at 11:00 a.m. before the Honorable Robert  
18 S. Lasnik..

19 Pending a final determination by the Court, the defendant has been detained.

20 DATED this 12th day of March, 2010.

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24 JAMES P. DONOHUE  
25 United States Magistrate Judge  
26

cc: District Judge: Honorable Robert S. Lasnik  
AUSA: Ms. Catherine Crisham  
Defendant's attorney: Ms. Nancy Tenney  
Probation officer: Ms. Monique D. Neal